

David Abrams, Attorney at Law
PO Box 3353 Church Street Station, New York NY 10008
Tel. 212-897-5821 Fax 212-897-5811
Delhi, New York

December 4, 2023

To: Hon. Dale E. Ho (by ECF)
United States District Court
40 Foley Square
New York, NY 10007

Re: Oxford v. DC-37, Case No. 1:23-cv-04054-DEH

Dear Judge Ho:

This office represents the Plaintiff in the above-referenced matter. Pursuant to Your Honor's individual practices I am writing to raise a discovery dispute which has arisen. The attorneys orally conferred regarding these issues on November 28, 2023 at approximately noon and agreed that we had reached an impasse and that I would raise the following issues with the Court.

By way of background, this is an employment matter brought by my client, Leslen Oxford, against her employer, a union benefit organization. My client alleges that she was unlawfully denied an exemption from the Defendant's vaccine requirements. My client was denied the exemption as a result of an interview she had with an outside law firm which was explicitly hired by the Defendant for the purpose of interviewing workers and evaluating their exemption claims.

During the course of discovery in this matter, the Defendant agreed to produce various documents, such as exemption applications from my client's former co-workers, subject to a protective order. Although I have no objection to such a confidentiality agreement in principle, the agreement proposed by the Defendant required that confidential documents be destroyed at the conclusion of the litigation. This provision is a problem for me as I need to retain a full copy of the file in the event that down the road I have to defend myself in the context of malpractice or disciplinary issues.

Of course, any confidential documents would be subject to the same protections I give to client documents: They are kept in a password protected computer in an office which is locked whenever I am not around. Additionally, I maintain backups on a portable hard drive which is encrypted using Microsoft Bitlocker. From what I understand, even the CIA would have difficulty accessing information encrypted in this manner. The Defendant's position is that its client is not amenable to allowing my office to keep a set of confidential documents. My position is that the documents at issue, although entitled to confidentiality protection, are not the sort of super-sensitive materials which arguably should be destroyed at the conclusion of the litigation.

Additionally, during the course of discovery the Defendant produced a copy of its engagement letter with the interviewing law firm; the engagement letter was heavily redacted. It is difficult to see why any privilege or confidentiality would attach to this

David Abrams, Attorney at Law
PO Box 3353 Church Street Station, New York NY 10008
Tel. 212-897-5821 Fax 212-897-5811
Delhi, New York

letter, which is relevant and discoverable since it goes to the relationship between the Defendant and the law firm it hired to evaluate my client's exemption claim. The Defendant's position is apparently that the redacted materials must be kept confidential. In my view, it is unlikely that the full engagement letter contains any confidential information and, in any event, the Defendant voluntarily delegated its obligations under the human rights laws to outside counsel to evaluate exemption requests.

Accordingly, I respectfully request that the Court enter an order (1) directing the Defendants to produce documents subject to a protective order which gives me the right to retain the full file provided that it is suitably protected; and (2) directing the Defendants to provide the full unredacted engagement letter.

Respectfully yours,



David Abrams

cc: Defendants' counsel

(by ECF)

The parties shall appear for a conference on **December 13, 2023, at 11:00 A.M. EST**. The parties shall join the conference by dialing (646) 453 - 4442 and entering the Conference ID: 773 130 815, followed by the pound sign (#). So Ordered.



Dale E. Ho

United States District Judge
Dated: December 11, 2023
New York, New York